

opment of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Lafayette Park, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, The Mall Park System and public buildings adjacent thereto, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and texture of the materials of exterior construction, shall be submitted by the Mayor of the District of Columbia to the Commission of Fine Arts; and the said Commission shall report promptly to said Mayor its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said Mayor shall take such action as shall, in his judgment, effect reasonable compliance with such recommendation: *Provided*, That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans within thirty days, its approval thereof shall be assumed and a permit may be issued.

(May 16, 1930, ch. 291, 46 Stat. 366; July 31, 1939, ch. 400, 53 Stat. 1144; 1967 Reorg. Plan No. 3, § 401, eff. Nov. 3, 1967, 32 F.R. 11669, 81 Stat. 951; Pub. L. 93-198, title IV, § 421, Dec. 24, 1973, 87 Stat. 789.)

CODIFICATION

Section is also set out in D.C. Code, § 5-410.

AMENDMENTS

1939—Act July 31, 1939, inserted reference to Lafayette Park.

TRANSFER OF FUNCTIONS

Except as otherwise provided in Reorg. Plan No. 3 of 1967, functions of Board of Commissioners of District of Columbia transferred to Commissioner of District of Columbia by section 401 of Reorg. Plan No. 3 of 1967. Office of Commissioner of District of Columbia, as established by Reorg. Plan No. 3 of 1967, abolished as of noon Jan. 2, 1975, by Pub. L. 93-198, title VII, § 711, Dec. 24, 1973, 87 Stat. 818, and replaced by office of Mayor of District of Columbia by section 421 of Pub. L. 93-198, classified to section 1-241 of the District of Columbia Code. Accordingly, “Mayor” substituted in text for “commissioner”.

AREA OF PLATS REQUIRING CERTAIN BUILDING PERMITS

Section 2 of act May 16, 1930, provided that: “Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this act [enacting this section], shall prepare plats defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendations.”

§ 122. Jurisdiction over public lands; transfer by Federal and District authorities

Federal and District authorities administering properties within the District of Columbia owned by the United States or by the said District are authorized to transfer jurisdiction over parts or all of such properties among or between themselves for purposes of administration and maintenance under such conditions as may be mutually agreed upon: *Provided*, That prior to the consummation of any transfer hereunder such proposed transfer shall be recommended by the National Capital Planning Commission: *Provided further*, That all such transfers and agreements shall be reported to Congress by the District authorities concerned.

(May 20, 1932, ch. 197, § 1, 47 Stat. 161; June 6, 1924, ch. 270, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790; Aug. 30, 1954, ch. 1076, § 1(20), 68 Stat. 967.)

CODIFICATION

Section is also set out in D.C. Code, § 8-111.

AMENDMENTS

1954—Act Aug. 30, 1954, repealed requirement that Federal authorities concerned should also report to Congress all transfers and agreements authorized by this section.

TRANSFER OF FUNCTIONS

Section 402(181) of Reorganization Plan No. 3 of 1967, 32 F.R. 11669, set out in the Appendix to Title 5, Government Organization and Employees, transferred regulatory and other functions of Board of Commissioners relating to transfer of jurisdiction over properties or parts of properties to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof under this section, to District of Columbia Council, subject to right of Commissioner as provided by section 406 of Plan. For provisions establishing District of Columbia Council, see section 201 of the Reorg. Plan No. 3 of 1967.

“National Capital Planning Commission” substituted in text for “National Capital Park and Planning Commission”, on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

CROSS REFERENCES

Letters of transfer and acceptance as authority for the necessary change in the official maps and for record when necessary, see section 79 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§ 123. Effect of section 122 on existing laws

Nothing in section 122 of this title shall be construed to repeal the provisions of any existing law or laws authorizing the transfer of jurisdiction of certain lands between and among Federal and District authorities, but all such laws shall remain in full force and effect.

(May 20, 1932, ch. 197, § 2, 47 Stat. 162.)

CODIFICATION

Section is also set out in D.C. Code, § 8-112.

§ 124. Theodore Roosevelt Island; administration; development

The island, known as Theodore Roosevelt Island, shall be maintained and administered by

the Director of the National Park Service as a natural park for the recreation and enjoyment of the public: *Provided*, That no general plan for the development of the island be adopted without the approval of the Theodore Roosevelt Association; and that, so long as this association remains in existence, no development, inconsistent with this plan, be executed without the association's consent.

(May 21, 1932, ch. 200, § 1, 47 Stat. 163; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799; Ex. Ord. No. 6166, § 2, eff. June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; May 21, 1953, ch. 63, § 2, 67 Stat. 28.)

CODIFICATION

Provisions of this section relating to acceptance of Theodore Roosevelt Island by the National Park Service from the Theodore Roosevelt Association have been omitted.

Section is also set out in D.C. Code, § 8-158.

AMENDMENTS

1953—Act May 21, 1953, substituted "Theodore Roosevelt Association" for "Roosevelt Memorial Association".

1933—Act Feb. 11, 1933, substituted "Theodore Roosevelt Island" for "Roosevelt Island".

TRANSFER OF FUNCTIONS

Functions of all other officers of Department of the Interior and functions of all agencies and employees of that Department, with two exceptions, transferred to Secretary of the Interior, with power vested in him to authorize their performance or performance of any of his functions by any of those officers, agencies, and employees, by Reorg. Plan No. 3 of 1950, §§ 1, 2, eff. May 24, 1950, 15 F.R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

Ex. Ord. No. 6166 abolished Office of Public Buildings and Public Parks of National Capital and transferred functions thereof to Office of National Parks, Buildings and Reservations of Department of the Interior. Act Mar. 2, 1934, changed name of latter Office to National Park Service.

§ 125. Means of access; care, maintenance, and improvements; appropriation; Theodore Roosevelt Island

The Director of the National Park Service is authorized to provide suitable means of access to and upon the said Theodore Roosevelt Island as appropriations are made available from time to time and subject to the approval of the National Capital Planning Commission; and the appropriations needed for such construction and annually for the care, maintenance, and improvement of the said lands and improvements, are authorized to be made from any funds not otherwise appropriated from the Treasury of the United States.

(May 21, 1932, ch. 200, § 2, 47 Stat. 164; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799; Ex. Ord. No. 6166, § 2, June 10, 1933; Mar. 2, 1934, ch. 38, 48 Stat. 389; June 6, 1924, ch. 279, § 9, as added July 19, 1952, ch. 949, § 1, 66 Stat. 790.)

CODIFICATION

Section is also set out in D.C. Code, § 8-159.

AMENDMENTS

1933—Act Feb. 11, 1933, substituted "Theodore Roosevelt Island" for "Roosevelt Island".

TRANSFER OF FUNCTIONS

"Director of the National Park Service" substituted for "director", meaning Director of Public Buildings

and Public Parks of National Capital. See Transfer of Functions note set out under section 124 of this title.

"National Capital Planning Commission" substituted for "National Capital Park and Planning Commission" on authority of act June 6, 1924, ch. 270, § 9, as added July 19, 1952, which transferred functions of latter to former. See section 71h of this title and Transfer of Functions note thereunder.

§ 126. Erection of monument or memorial and related structures; authorization of appropriations; Theodore Roosevelt Island

The Secretary of the Interior shall erect on Theodore Roosevelt Island such monument or memorial to the memory of Theodore Roosevelt, and related structures, as may be approved by the living children of Theodore Roosevelt, the Theodore Roosevelt Association, the Commission of Fine Arts, and the National Capital Planning Commission. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(May 21, 1932, ch. 200, § 3, 47 Stat. 164; Feb. 11, 1933, ch. 48, § 1, 47 Stat. 799; May 21, 1953, ch. 63, § 2, 67 Stat. 28; Pub. L. 86-764, Sept. 13, 1960, 74 Stat. 904.)

CODIFICATION

Section is also set out in D.C. Code, § 8-160.

AMENDMENTS

1960—Pub. L. 86-764 substituted provisions for erection of a monument or memorial to memory of Theodore Roosevelt by the Secretary of the Interior with the approval of the living children of Theodore Roosevelt and authorizing an appropriation therefor for former provision permitting the Roosevelt Memorial Association to undertake such construction.

1953—Act May 21, 1953, substituted "Theodore Roosevelt Association" for "Roosevelt Memorial Association".

1933—Act Feb. 11, 1933, substituted "Theodore Roosevelt Island" for "Roosevelt Island".

§ 127. Designation in documents, etc.; Theodore Roosevelt Island

In all public documents, records, and maps of the United States in which Roosevelt Island is designated or referred to it shall be designated as "Theodore Roosevelt Island."

(Feb. 11, 1933, ch. 48, § 2, 47 Stat. 799.)

CODIFICATION

Section is also set out in D.C. Code, § 8-161.

§ 128. Approval by Administrator of General Services of sketches, plans, and estimates of buildings; exemptions

On and after June 14, 1946, subject to applicable provisions of existing law relating to the functions in the District of Columbia of the National Capital Planning Commission and the Commission of Fine Arts, only the Administrator of General Services shall be required to approve sketches, plans, and estimates for buildings to be constructed by the General Services Administration, except in the case of buildings designed for post-office purposes which shall be approved by the Administrator of General Services and the United States Postal Service.

(June 14, 1946, ch. 404, § 8, 60 Stat. 258; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; June 6,